

INITIAL STATEMENT OF REASONS

Peace Officer Selection Standards

Regulation(s) 1953 and 1955

At the June 21, 2018 meeting, the Commission approved proposed amendments to Commission Regulations 1953 and 1955 – Peace Officer Selection Standards.

Justification for Proposed Revisions

Proposed changes to the regulations provide clarification and consistency with current requirements and Government Code section 1031. In April 2018, a provision to allow background investigation updates for interim chiefs of police was implemented; however, no specific requirements for the update were outlined. The proposed revision specifies the update requirements. Current regulations for peace officer psychological evaluators require continuing professional education (CPE) training, including a six hour initial requirement followed by a 12 hour biennial requirement. CPE training consists of completing any of the courses on the POST-approved list. The proposed change to the regulation would require that the initial training be successful completion of the specific POST-developed Peace Officer Psychological Screening Manual book-based exam and will specify, if necessary, specific update training. All mandatory courses will be available on-line through POST's Learning Portal system or another on-line venue. The exam assesses knowledge of the contents of the Manual, including regulatory requirements included in Chapters 3 and 4 of the Manual, specifically the Psychological Evaluator Competencies and the Psychological Screening Dimensions.

Government Code section 1031(f) requires that peace officer screening psychologists adhere to POST education and training requirements. To meet this mandate, in 2013 POST implemented a continuing professional education (CPE) requirement. Currently, psychologists are required to complete six hours of POST-approved CPE prior to conducting evaluations and subsequently complete 12 hours of CPE every license renewal cycle (i.e. every 24 months). However, there are no specific courses that psychologists are required to complete; rather, they can select from any of the courses on the POST-approved CPE list ranging from courses on specific assessments (i.e. MMPI) to those offering training on second opinion evaluations. The proposed change would require that psychologists complete a specific training course developed by POST. The proposal would replace the initial six hour CPE requirement with the POST-developed Peace Officer Psychological Screening Manual book-based (on-line) exam. Completion of this requirement provides the psychologist with eight hours of POST CPE, which can also be used to fulfill their continuing education (CE) hours required for licensure as POST is an approved provider with the California Psychological Association (CPA). Requiring this specific training will help to ensure that all psychologists who conduct these types of evaluations have foundational knowledge of POST requirements and associated guidance on how to conduct peace officer psychological evaluations. They could then further enhance their knowledge through other relevant, varied courses approved for POST CPE credit.

In addition to the initial training requirement, POST is proposing to require specific update training, as necessary. This will further ensure that psychologists have the most current and relevant information specific to POST requirements and associated laws and best practices. All training will be available on-line and offer both POST CPE credit and CE units toward the psychologist's licensure requirement.

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Justification – Regulation 1953: Peace Officer Background Investigation

This regulation is being updated to clarify that the background investigation update of an interim chief of police must include any new information from the time of the initial background investigation and to require checks of, at a minimum, criminal history, DMV and credit.

Justification – Regulation 1955: Peace Officer Psychological Evaluation

This regulation is being modified to replace the current six-hour initial CPE training requirement with the POST-developed Peace Officer Psychological Screening Manual (Manual) book-based exam. Successful completion of the exam will provide the psychologist with eight hours of CPE credit and continuing education (CE) units toward their licensure requirement. This training will help POST meet its obligation under GC section 1031(f), which requires POST to develop education and training requirements for screening psychologists. It will also ensure that all psychologists have a basic foundation and understanding of POST requirements in conducting these types of evaluations. In addition, requiring updated training will ensure that these psychologists remain current with POST requirements and relevant issues with regard to peace officer screening. All training will be available on-line and will help satisfy the POST CPE requirements and provide CEs for licensure.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses

The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective, and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

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Economic Impact Analysis

Impact of Jobs/New Business:

Because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement, adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

Assessment:

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Benefits of the Regulation:

The benefits of proposed amendments to the regulations will provide the hiring department authority in determining the appropriate assessments for their returning officers, resulting in potential cost savings to the department. The hiring authority would ensure that standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will not benefit the worker safety or the State's environment.